



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** The Public Record  
November 1, 2013 – November 7, 2013

**DATE:** November 8, 2013

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## ITEMS FILED FOR THE PUBLIC RECORD

- a. Letter to Mayor Reed and City Council from David Wall dated November 4, 2013, regarding Is the "Secret Garden" really a commercial agricultural project for corporate gain(s)?
- b. Letter to Mayor Reed and City Council from San Jose Silicon Valley Chamber of Commerce, President and CEO Matthew R. Mahood dated November 5, 2013, regarding the San Jose Silicon Valley Chamber of Commerce opposes requiring a Firefighter Air Replenishment System (FARS) system on high rise construction in San Jose.
- c. Letter to Mayor Reed and City Council from Santa Clara Valley Water District Chair/Board of Directors Nai Hsueh dated October 1, 2013, regarding 2014 Safe Clean Water Priority B and D Grant Programs.
- d. Letter to Mayor Reed and City Council from David Wall dated November 7, 2013, regarding "Joy to the World," you ran and finished your last race with unmitigated grace! Mrs. Joy Johnson ran and finished 25 New York Marathons alone- "passed away" hours later.
- e. Letter to Mayor Reed and City Council from David Wall dated November 7, 2013, regarding the "Secret Garden" has been demystified. It is a "Garden to Table" operation.
- f. Letter to Mayor Reed and City Council from David Wall dated November 7, 2013, Who owns the land that is being used by "Garden to Table" agricultural project?
- g. Letter to Mayor Reed and City Council from David Wall dated November 7, 2013, San José Police Academy will "shutter" if a "pay for your training" policy is adopted.

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Toni Taber, CMC  
City Clerk

Honorable Mayor and City Council Members

November 8, 2013

Subject: The Public Record: November 1, 2013-November 7, 2013

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Distribution:	Mayor/Council	Director of Transportation
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2013 NOV -4 PM 12:52

David S. Wall  


November 4, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905**Re: Is the "Secret Garden" really a commercial agricultural project for corporate gain(s)?****Return of agriculture is good for San José, good for the environment.****Fresh, locally grown food should be encouraged and supported.****But...is this an "approved project on public lands?"**Dateline: City Desk [Monday, (11.04.13)]. *Urban agriculture is very important and should be encouraged.*

"The Secret Garden" is a growing concern that resembles a professional agricultural concern that may be on public property but, most people do not even know it is not only under construction but is partially operational.

The location of "The Secret Garden" is the area west of 200 West Taylor Street to Guadalupe Parkway. Northern border would be the West Taylor Street Bridge and the Southern border would be Coleman Avenue.

Access by the people who are constructing the commercial agricultural project is through the parking lot of "City Bank". City Bank is located at 200 West Taylor Street. You exit the Guadalupe Freeway (Route 87) at West Taylor Street. Take a "right-hand turn," start slowing down and immediately take a "right-hand turn" into City Bank's parking lot. Tracks from their vehicles are evident in one of the photographs taken. It is apparent that vehicles drive over the "curb" into the area now referred to as "The Secret Garden."

Access to "The Secret Garden" could also be from the Guadalupe Parkway side. However, there are no indications vehicles have "hopped the curb" and there are no vehicular tracks. Access could occur from the area on the Guadalupe Parkway side down just before West Mission Street, then back-track under the West Taylor Street Bridge, through the redwood trees, and then turn easterly until you sight the operation. It is unlikely that this is the preferred route for access.

Once there, you will see a series of well constructed "raised beds" configured in the form of the "letter E." The beds are made of wood. The wood is not pressure treated lumber. Irrigation is not "recycled water." Photographs were taken and show configuration of "raised beds" and the production area for more of the same. The Photographs are included.

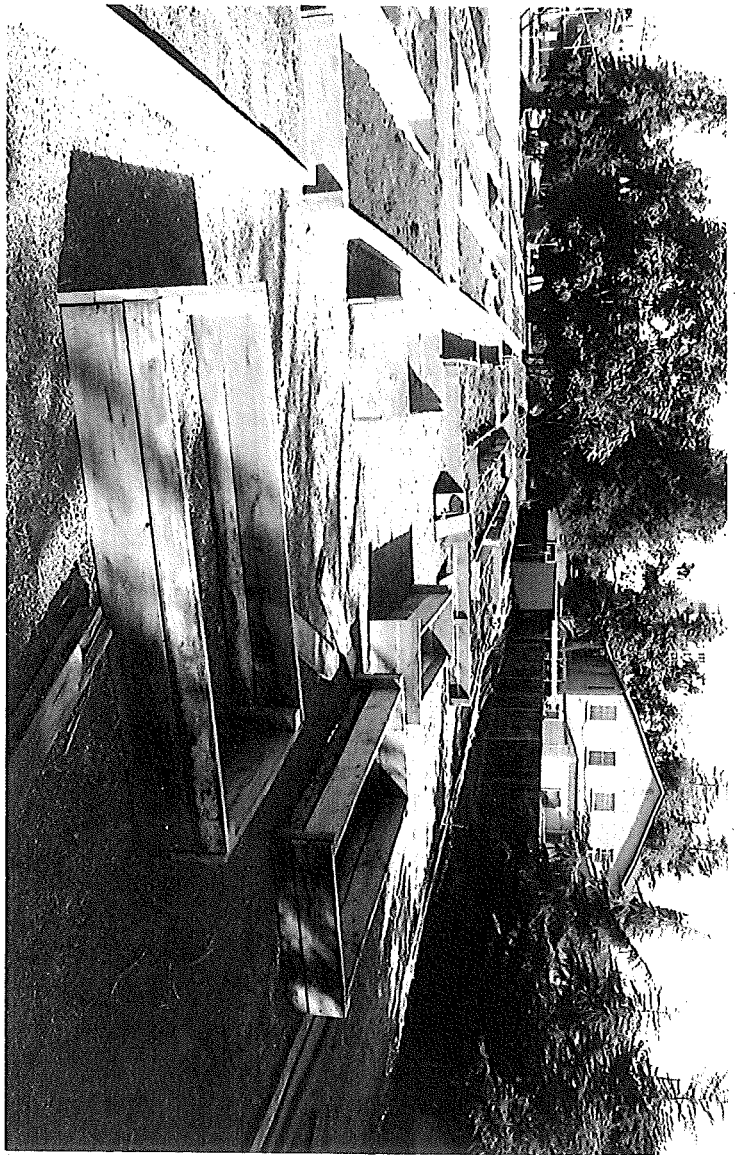
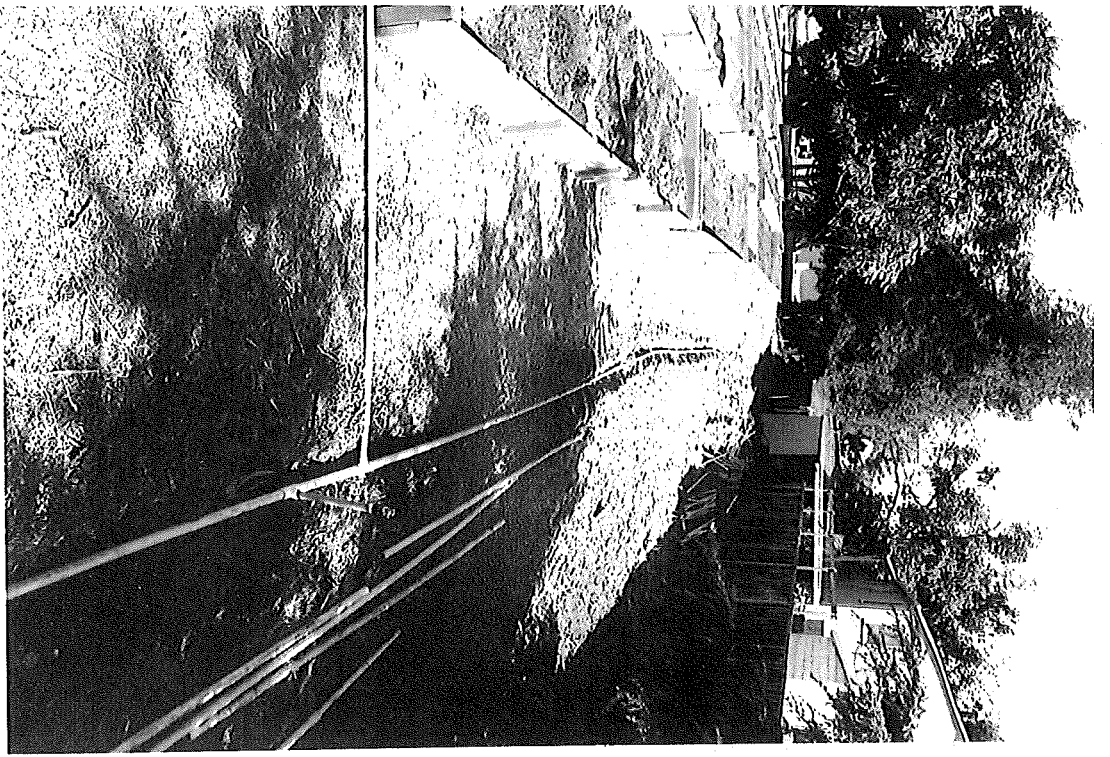
Some of the raised beds are already planted. Plant stakes indicating; chives, lettuce, fava beans, radishes and cornflowers are well delineated. Other beds are being filled with composted material. Many other beds are in various states of construction. This area is not yet fenced.

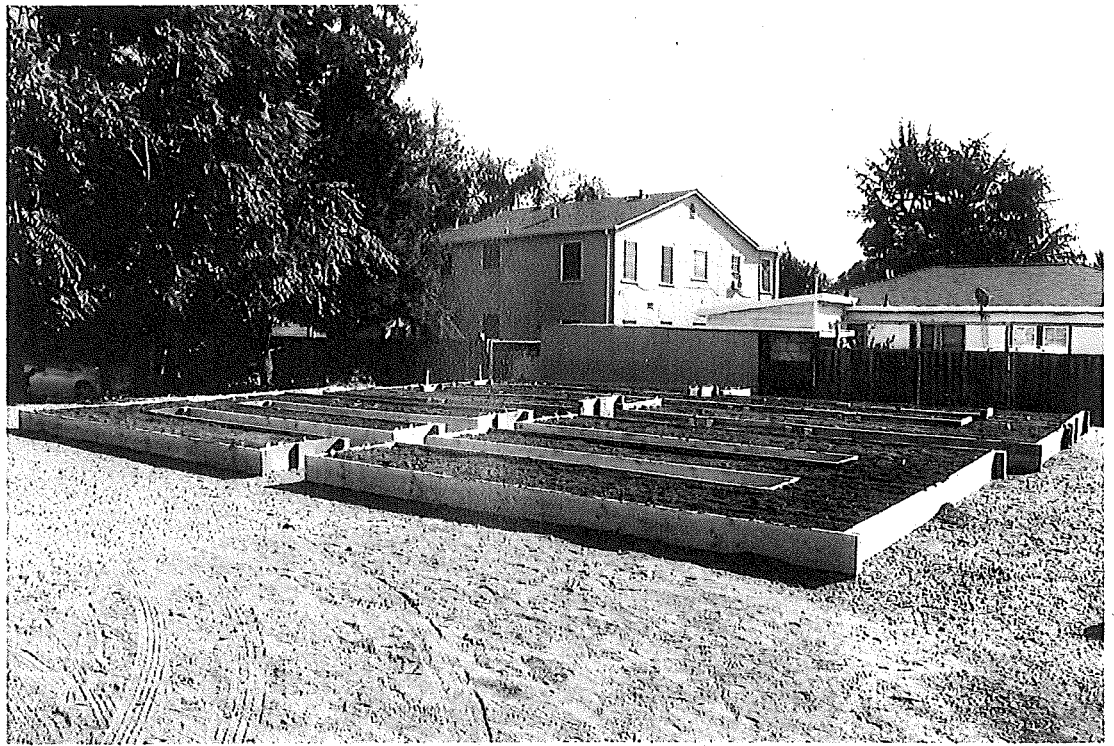
**This project raises many questions which will be ferreted out over the next few days.***Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

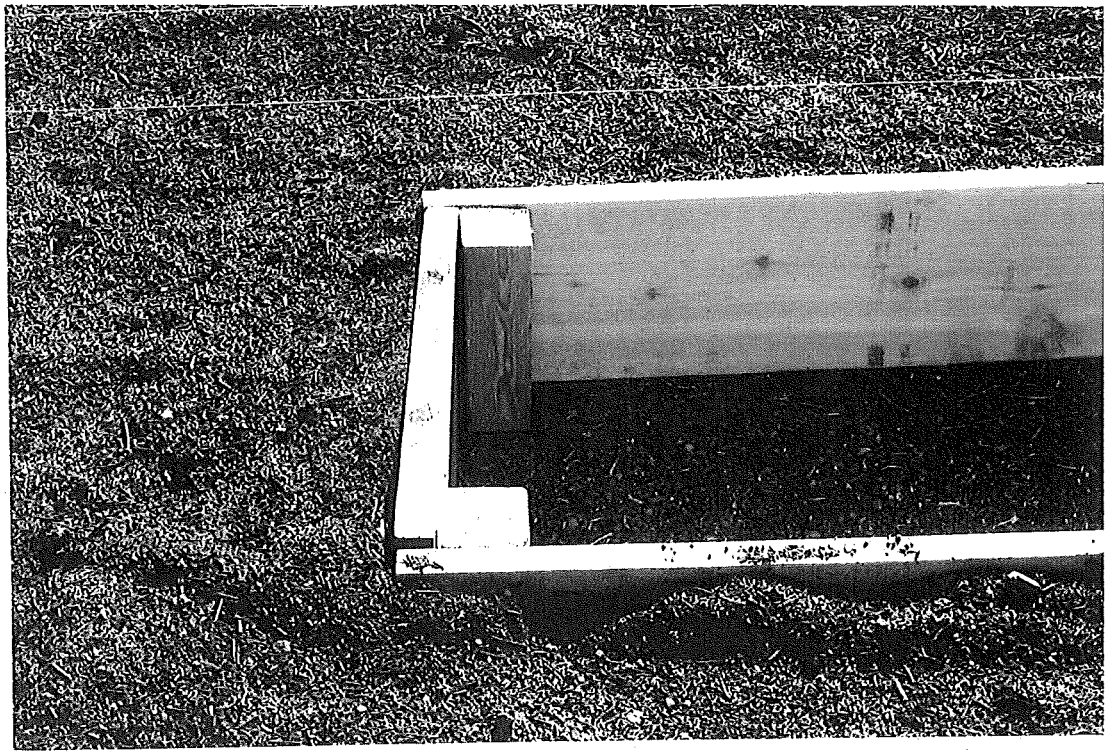
*David S. Wall*  
11.04.13

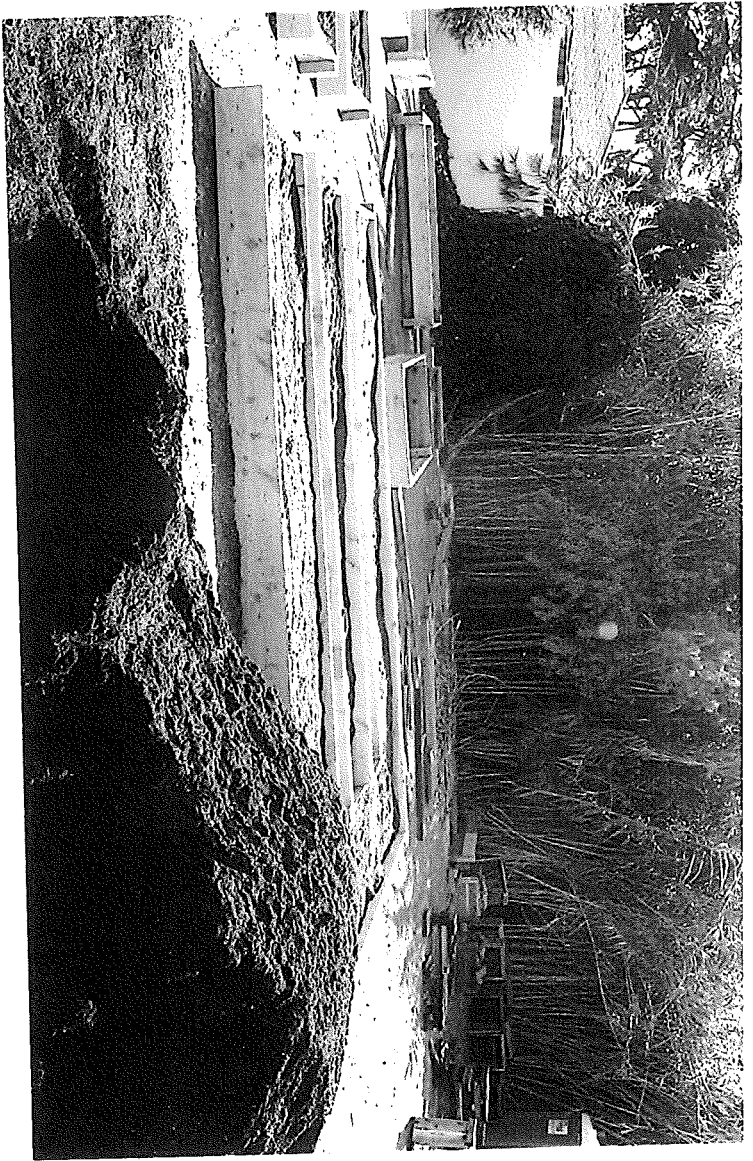




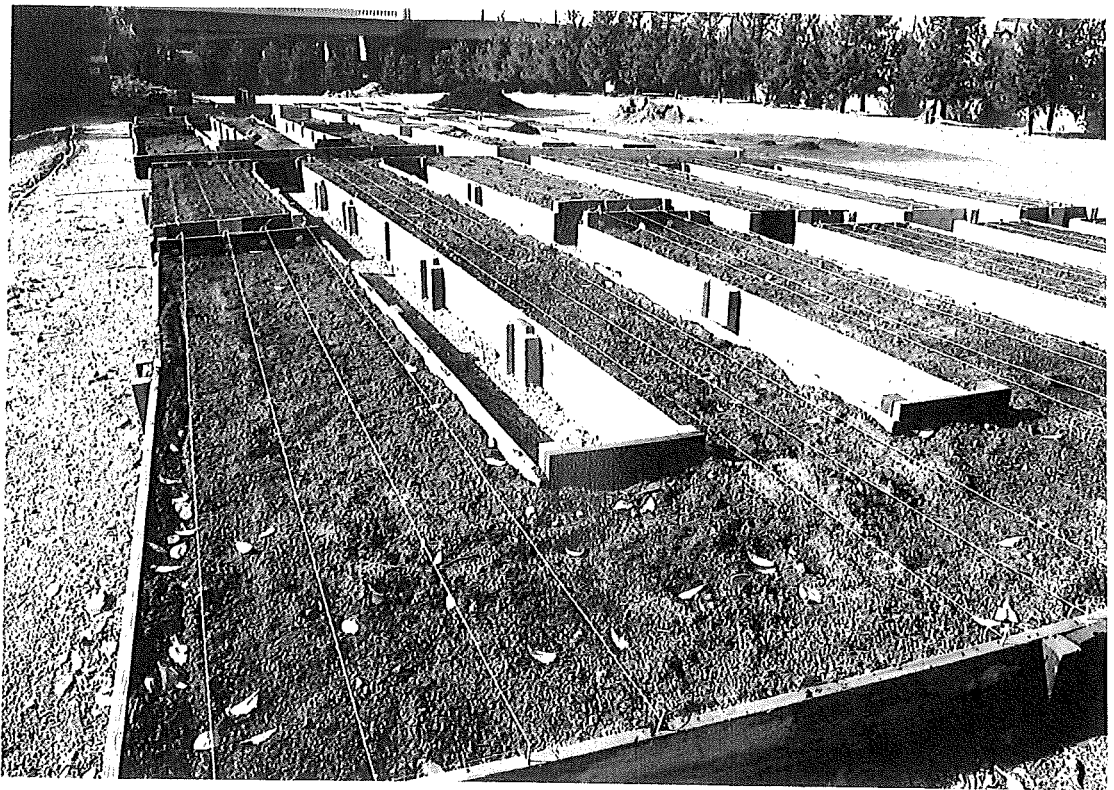














San Jose Silicon Valley  
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The Region's Voice of  
Business Since 1886

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San Jose Silicon Valley  
Chamber of Commerce

PUBLIC RECORD 6

November 5, 2013

Honorable Mayor Chuck Reed  
San Jose City Council  
200 E. Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113

Mayor and City Council,

The San Jose Silicon Valley Chamber of Commerce respectfully opposes requiring a Firefighter Air Replenishment System (FARS) system on high rise construction in San Jose.

As noted by San Jose Fire Chief Ruben Torres, the City's current policy of giving developers a choice between a FARS and a Fire Service Access Elevator (FAE) provides protection both to the public and fire service personnel.

Chamber members who are Fire Protection Engineers examined this issue in great detail and expressed concern that the FARS product is not tested and listed as a fire protection and life safety system by a Nationally Recognized Testing Laboratory. In addition, it is far from ideal to mandate a specific product within the City's code without going through a consensus process beforehand, especially when it appears that only one vendor currently provides this product.

We believe that the way to make possible the kind of projects we all agree are such an important part of downtown's future is through partnership, open processes, and wherever possible, choice.

Chamber members are working collaboratively with City Staff to ensure that Planning, Building and Code Enforcement is as customer-focused as neighboring cities for all applicants, and we respectfully request the Council to continue their current collaboration with downtown partners by providing fewer unnecessary mandates and more flexibility and choice among good options.

Please let me know if you have any further questions.

Sincerely,

Matthew R. Mahood  
President and CEO



PUBLIC RECORD C

October 1, 2013

The Honorable Chuck Reed  
Mayor of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Subject: 2014 Safe Clean Water Priority B and D Grant Programs

Dear Mayor Reed:

**BOARD OF DIRECTORS**

Dennis Kennedy (District 1)  
Barbara F. Keegan (District 2)  
Richard P. Santos (District 3)  
Linda J. LeZotte (District 4)  
Nai Hsueh / Chair (District 5)  
Tony Estremera / Vice Chair (District 6)  
Brian Schmidt (District 7)

**CHIEF EXECUTIVE OFFICER**

Beau Goldie

**CLERK OF THE BOARD**

Michele L. King, CMC

On behalf of the Santa Clara Valley Water District (District) Board of Directors (Board), I am pleased to announce that the Board has authorized funding for two grant programs in Fiscal Year 2014; 2014 Safe Clean Water Priority B Grant Program, and 2014 Safe Clean Water Priority D Grant Program. The Grant Programs will focus on pollution prevention and activities to restore wildlife habitat. Total grant funds available are \$2.057 million. Attached is a Grant Program Fact Sheet for your information.

Through the Clean, Safe Creeks and Natural Flood Protection Program special tax of 2000 (Clean, Safe Creeks), the District issued funding through grants and partnerships to over 92 projects totaling more than \$16 million. With the passage of the Safe, Clean Water and Natural Flood Protection Funding special tax in November 2012, this work will continue with partners such as your organization.

To initiate this grant cycle, a request for proposal was released on September 20, 2013, with project proposals due November 22, 2013. Board award of funding to projects is expected in February 2014. Grant projects must be completed by June 30, 2017. A workshop is scheduled on October 7, 2013, to provide general information on the grant program and answer any questions applicants may have. Grant program documents may be found at [www.valleywater.org/grants.aspx](http://www.valleywater.org/grants.aspx).

If you have any questions, please contact Ms. Norma Camacho, Chief Operating Officer, at (408) 630-2084, or [ncamacho@valleywater.org](mailto:ncamacho@valleywater.org).

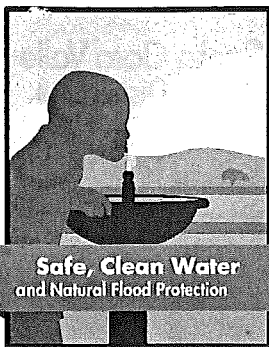
Sincerely,

  
Nai Hsueh  
Chair/Board of Directors

Attachment

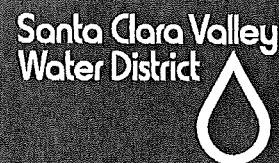
cc: Board of Directors (7), N. Camacho, L. Lee, S. Dharasker, B. Mendenhall  
bm:fd  
0927b-l.docx





Fact Sheet

# Safe, Clean Water and Natural Flood Protection



## Safe, Clean Water Grant Programs

As a way of partnering with the community to extend our watershed stewardship mission, the Santa Clara Valley Water District is extending its grant program that began under the Clean, Safe Creeks and Natural Flood Protection program into the future with new opportunities under the Safe Clean Water and Natural Flood Protection Program special tax approved by voters in November 2012. Two Fiscal Year 2014 grant cycles mark the first of many grant cycles to be funded by the new Program.

## 2014 Safe Clean Water Priority B and D Grant Programs

On August 27, 2013, the District's Board of Directors authorized funding for two Fiscal Year 2014 grant cycles for a total of \$2.057 million. This reimbursement-based program, funded by Safe Clean Water, is being launched in 2013 and invites cities, the county, open space districts, 501(c)3 non-profit organizations and schools to submit project proposals for consideration by a review panel and approval by Santa Clara Valley Water District. The two grant cycles for Fiscal Year 2014 help implement Priority B (Projects B3 and B7) and Priority D (Project D3) and focus on specific priority themes, established through stakeholder engagement.

## 2013 Grant Schedule

	Sept. 2013	Oct. 2013	Nov. 2013	Dec. 2013	Feb. 2013
RFP Release	■				
Workshop		■			
Grant application due date			■		
Review of grants				■	
Board approval of grant awards					■



**Priority B:**  
Reduce toxins, hazards, and contaminants in our waterways

### Project B3

Pollution Prevention Partnerships and Grants

#### B3 priority themes:

1. Increase the permeability of urban areas
2. Increase trash free areas in riparian corridors
3. Prevent pharmaceutical waste and other pollutants from entering our waterways

### Project B7

Support Volunteer Cleanup Efforts and Education

#### B7 priority themes:

1. Education and outreach on increasing permeability in urban areas
2. Education and outreach on increasing trash-free locations in riparian areas
3. Education and outreach for reducing pharmaceutical waste and other pollutants in our waterways (showing a benefit through awareness and engagement)

*continued on back...*



## Benefits: Priority B

- Helps prevent contaminants such as pharmaceuticals, household hazardous waste and trash from entering our waterways
- Helps meet regulatory requirements as listed under the impaired water bodies listing of the federal Clean Water Act
- Reduces contaminant source loads in groundwater and surface water and protects local watersheds
- Provides public education to reduce contaminants in our waterways
- Leverages community resources for efficient use of funds
- Reduces contaminants entering our waterways and groundwater
- Engages community and supports watershed stewardship
- Leverages volunteer community resources for efficient use of funds



## Priority D: Restore wildlife habitat and provide open space

## Project D3

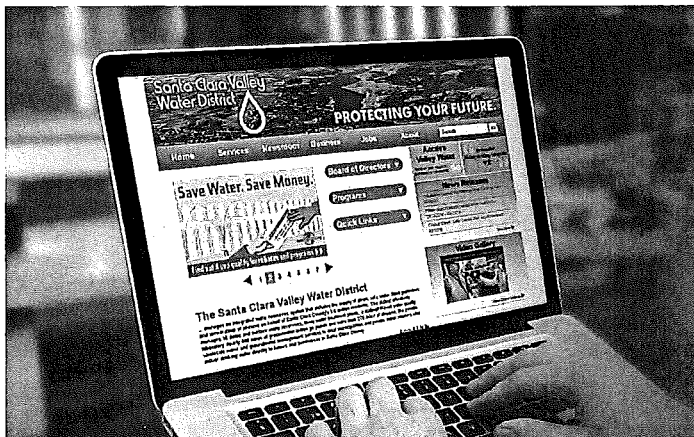
Grants and Partnerships to Restore Wildlife Habitat and Provide Access to Trails

### D3 priority themes:

1. Restore and protect riparian corridors
2. Protect or improve habitat of special status species
3. Restore tidal habitat
4. Emphasize projects with ecosystem, watershed-scale benefits

## Benefits: Priority D

- Enhances creek and bay ecosystems
- Improves fish passages and habitat
- Expands trail and open space access
- Leverages community funding through grants
- Increases collaborations and partnerships for stewardship activities with cities, the county, non-profit organizations, schools and other stakeholders



## Contact us

For additional information, on past and current grant cycles, as well as an electronic copy of the current RFP and individual attachments, please see the grant program webpage at: [www.valleywater.org/Grants.aspx](http://www.valleywater.org/Grants.aspx)  
Please send any inquiries to **Brian Mendenhall** at (408) 630-3093 or [bmendenhall@valleywater.org](mailto:bmendenhall@valleywater.org)

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David S. Wall  
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2013 NOV -7 PM 4:29

November 7, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: "Joy to the World," you ran and finished your last race with unmitigated grace!**

**Mrs. Joy Johnson ran and finished 25 New York Marathons alone—"passed away" hours later.**

**A National and San José treasure is now but for the ages.**

Dateline: City Desk [Thursday, (11.07.13)]. *Give a proper San José send-off to Joy Johnson!*

At the Rules and Open Government committee meeting, [Wednesday, (11.06.13); Item (J) Open Forum] a request was made to have a City Council meeting dedicated to the life of Mrs. Joy Johnson. A similar tribute should also be given at the commencement of San José's "Turkey Trot."

Reported on national television Mrs. Johnson completed her 25<sup>th</sup> New York City Marathon. Somewhere during the race, around mile 16, Joy stumbled and hit her head. She received cursory medical attention and did not go to the hospital. Instead, Joy, once bandages were placed on the right side of her head and face, got up and with her innate toughness and discipline, finished the race. Shortly afterward, as was custom due to her age (86), she was interviewed on national television. Joy collapsed minutes after the interview and was summarily rushed to Bellevue Hospital Center. Joy slipped into a coma and passed away shortly thereafter (11.05.13). She would have been 87 on Christmas day this year.

Prior to the aforementioned "Rules" committee meeting, Councilmember Oliverio was gracious to hear this story and to receive family contact information to assist the city in the "recognition process."

I have had the privilege and honor to have known Joy Johnson for just a few years. Joy was a woman steeped in grace and must be closer to God than myself. I sat with my wife in the pew behind her at Trinity Lutheran Church.


Joy's "runner's mantra" was taken from the Book of Isaiah 40:31 ***"But they who wait for the Lord shall renew their strength; They shall mount up with wings like eagles, They shall run and not be weary, They shall walk and not faint."***

*Respectfully submitted,*

*David S. Wall*  
11.07.13

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Cc: City Attorney / City Auditor / City Manager

David S. Wall  
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San Jose City Clerk

2013 NOV -7 PM 4:28

November 7, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: "The Secret Garden" has been demystified. It is a "Garden to Table" operation.**

Dateline: City Desk [Thursday, (11.07.13)]. *"Growing" operation raises procedural issues.*

"The Secret Garden" was demystified at the Transportation and Environment Committee meeting [Monday, (11.04.13)] by his Honor, Councilmember Liccardo who stated that "The Secret Garden" is a "Garden to Table" project.

Personally, I am pleased to see "Urban Agriculture" beginning to take on a more serious role in our community but, I am concerned as to the lack of information and procedures about the "Garden to Table" project and any other "Urban Agricultural endeavors" that maybe sprouting up throughout the city.

If you Google - "Garden to Table" you will be directed to the facebook page of "Garden to Table." I do not participate in the various social media like facebook so I will have to resort to using other avenues to find out more information about this project.

I will be making inquiries into this project as to; who owns the land, what is the selection criteria, were adjacent neighbors notified, Non-point source concerns, does "City Bank" allow their parking lot to be used for "Garden to Table" operations and other searches for information.

**Good Job and thanks for supporting "Urban Agriculture" Councilmember Liccardo!**

*Respectfully submitted,*

*David S. Wall*  
*11.07.13*

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Cc: City Attorney / City Auditor / City Manager

David S. Wall  
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2013 NOV -7 PM 4:28

November 7, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Who owns the land that is being used by "Garden to Table" agricultural project?**

Dateline: City Desk [Thursday, (11.07.13)]. *Garden to Table operation is being investigated.*

Below is the text for a request for Public Record Information concerning the initial phase of investigation into the "Garden to Table" project.

**"Request for PUBLIC RECORD INFORMATION (OED)"**

**This request for Public Record information concerns itself with the City of San José's Office of Economic Development (OED).**

**My request is focused on the Real Estate Division of OED.**

**There is a "Garden to Table" project located on land bounded by: to the South, Coleman Avenue; to the North, Guadalupe Parkway; to the East / West (depending on your view), West Taylor Street. Does the City of San José own this land?**

**Does OED have *any* relationship and or communications with "Garden to Table?"**

**The "Garden to Table" project uses "City Bank's" parking lot (200 West Taylor Street) for construction and operational access. Vehicles "hop the curb" to gain access to the area currently under construction."**

Some of the "raised beds" have been planted with; radishes, fava beans, lettuce, cornflower and chives.

*Respectfully submitted,*

*David S. Wall*  
*11.07.13*

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Cc: City Attorney / City Auditor / City Manager

David S. Wall  
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San Jose City Clerk

2013 NOV -7 PM 4:28

November 7, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905**Re: San José Police Academy will “shutter” if a “pay for your training” policy is adopted.****No Police recruit will pay for “Academy Training, they will go elsewhere.****San José will lose “benefits” associated with training San José Police Officers.**Dateline: City Desk [Thursday, (11.07.13)]. *Admit Measure B is a catastrophic failure.*

At the Rules and Open Government committee meeting, [Wednesday, (11.06.13); Items G(4) & (5); “*Retention of Police Academy Graduates and Police Academy Costs*,” respectively] were addressed and discussed.

Both measures “*Retention of Police Academy Graduates*” authored by Vice-Mayor Nguyen and Councilmember Khamis and “*Police Academy Costs*” authored by Councilmember Liccardo will spell the end of the San José Police Academy if either is implemented. Further, both measures are another form of “imposition of policies” that will be rejected by the Police.

Why? Because any San José Police recruit “worth their salt” will not “pay for academy training.” They will have already cleared “background investigations and other hiring hurdles.” This accomplishment alone makes them very tasty morsels for other agencies to capture from “the poaching grounds” of a failed city.

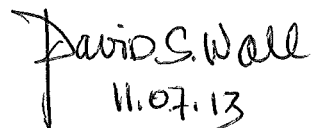
San José will be a regional supplier of “fully vetted Police recruits” ready for the Police academy. Other agencies will be very glad not have to pay for “background, medical, mental and physical endurance expenditures”, they will be patient and wait for San José to “screw-up-again” and pounce on the recruits who are “cleared for training at the Police academy.” The “sucking sound” of San José Police recruits will still be a pronounced indicator that Council refuses to admit that Measure B is a catastrophic failure.

To stop the exodus of highly skilled San José Police Officers and Police recruits, contact the San José Police Officers Association and capitulate as to their needs, implement their needs and the insanity that Measure B has wrought upon the Police Department and especially the *City* will end virtually “overnight.”

*Police Officers and recruits just want a “fair wage and benefits” so they can live in the San José, raise their families and have a decent retirement.* What is wrong with that? Measure B is what laid the foundation for this nightmare along with those Councilmembers who actively imposed “unilaterally breeching employment contracts” such as Vice-Mayor Nguyen and Councilmember Liccardo-both Mayoral hopefuls.

One other Mayoral hopeful authored a plan to stop the exodus of Police Officers and recruits. This plan can be found on [the Rules and Open Government committee agenda, [Wednesday, (11.06.13); Item (f); “*Reinstate Police Officer’s 10% pay cut & offer them a contract 6% per year raise for 5 years.*”] There are additional incentives and how to pay for them identified in this plan.

Cc: City Attorney / City Auditor / City Manager

**Respectfully submitted,**  
11.07.13